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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,040	02/14/2007	Christian Pourias	229.030	7258
23598 7590 10/02/2008 BOYLE FREDRICKSON S.C. 840 North Plankinton Avenue MILWAUKEE, WI 53203				
EXAMINER				
ADAMS, TASHIANA R				
ART UNIT		PAPER NUMBER		
3611				
NOTIFICATION DATE		DELIVERY MODE		
10/02/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

Office Action Summary

Application No.

10/576,040

Applicant(s)

POURIAS, CHRISTIAN

Examiner

TASHIANA ADAMS

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5506)
Paper No(s)/Mail Date 4/14/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "10" and "20" have both been used to designate a "first channel" on pg 4 Lines 14-15 of the Specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Csizmadia (US Patent 4,598,923).** Csizmadia discloses a foldable bicycle(See Fig. 1) comprising a front wheel(35), a rear wheel(48), handlebars(18) to direct the front wheel, a frame(See Fig. 1), a saddle and a mechanism so that a plane of the front wheel is

parallel to a plane of the rear wheel and so that the front wheel is situated facing the rear wheel with their axes merged at the time of folding(See Fig. 4), characterized in that the bicycle comprises a mechanism for translation of the front wheel perpendicular to a plane of the bicycle(See Figs. 1-4)

4. With respect to claim 2, frame comprises a first channel(See Member 1 and Fig. 5 and note a channel is clearly formed since 2 closes as part of the case) in a form complementary to a form on the handlebars, and articulation means of the handlebars so that the handlebars are housed in the channel at the time of folding (See Figs. 5-6)

5. With respect to claim 3, the handlebars comprise a guide rod(9), a first handle and a second handle(See Fig. 9), the first and second handles connected to the guide rod so as to fold along the guide rod at the time of folding the bicycle(See Fig. 5)

6. With respect to claim 4, the saddle comprises a second channel(See Fig. 5 and note that reference 2 can be considered the second channel) in a form complementary to the for of the handlebars(See Fig. 5)

7. With respect to claim 5, wherein the saddle is formed by a seat(39) and by a seat post(37), the second channel being formed along the seat and along the seat post(See Fig. 3 reference 2)

8. With respect to claim 6, the front wheel of the bicycle is connected to the handlebars by a monofork that is situated on a first side of the plane formed by the bicycle(See Fig. 1), the rear wheel is connected to a crank gear wheel(43) that is situated on a second side of the plane formed by the bicycle(See Fig. 1)

9. With respect to claim 7, the frame comprises at least one third channel(3) in a form complementary to a form of one of the two wheels(See Fig. 3)
10. Regarding claims 8-12, the method for folding bicycle as claimed is met by Csizmadia.
11. With respect to claim 13, a mud guard(See Fig. 1) is folded by rotation of this mud guard around a fifth folding axis(See Fig. 4)
12. With respect to claim 14, a foldable bicycle(See Fig. 1) comprising: a frame having at least one recessed channel(See Figs. 1-2); a handlebar stem(9/18) supported by the frame and comprising a plurality of handlebar handles(See Fig. 9); a front wheel connector(36) supported by the frame and carrying a front rotatable wheel(35); a rear wheel connector(49) attached to the frame and carrying a rear rotatable wheel(48); a seat post(37) operably attached to the frame and carrying a seat(39); a fender(See Fig. 1) operably attaching the seat post to the frame(See Fig. 1); at least a plurality of pairs of bicycle fold axis(See Figs. 1-5) with a first fold axis permitting the handlebar stem to be pivotable relative the frame toward the frame, a second fold axis permitting the seat post to be pivotable relative the frame toward the one of the recessed frame channels, a third fold axis permitting the fender to be pivotable relative the frame, a fourth fold axis permitting one of the front and rear wheel connectors to be pivotable relative the frame toward the at least one recessed frame channel, and a fifth fold axis permitting the other one of the front and rear wheels such that the axis of rotation of the front and rear wheels is substantially coincident(See Figs. 1-6)

13. With respect to claim 15, wherein the recessed frame channel comprises a plurality of recessed frame channels with the portion of one of the front and rear wheels being seated in one of the recessed frame channels when the bicycle is folded and at least a portion of the handlebar stem is seated in the other one of the recessed frame channels when the bicycle is disposed in the folded position(See Figs. 1-4 and examiner note that both side of element 1 and one side of element 4 can constitute the plurality of recessed channels)

14. With respect to claim 16, the seat post is elongate and has a longitudinally extending recessed channel formed therein in which an opposite portion of the handlebar stem seats when the bicycle is disposed in the folded position(See Fig. 1)

15. With respect to claim 17, each one of the handlebar handles is foldable against the handlebar stem(See Fig. 5)

16. With respect to claim 18, the frame includes a third one of the recessed frame channels in which a portion of the other one of the front and rear wheels seats when the bicycle is disposed in a folded position(See Figs. 1-5)

17. With respect to claim 19, the frame and wheels are disposed in a common plane when the bicycle is disposed in an unfolded operating position with the front wheel connector and rear wheel connector disposed alongside to one side of the bicycle operating position plane(See Figs. 1-5)

18. With respect to claim 20, the front wheel connector comprises a fork disposed along one side of the bicycle operating position plane and the rear wheel connector

comprises a crank gear wheel disposed along the other side of the bicycle operating position plane(See Fig. 1)

19. With respect to claim 21, the fork comprises a monofork that is connected to the handlebar stem(See Fig. 1)

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All of the prior art made of record is regarded as being in the same field of endeavor as the applicants invention, and to contain similar structural elements even though they were not used for the basis of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TASHIANA ADAMS whose telephone number is (571)270-5228. The examiner can normally be reached on Monday - Thursday 6:30 AM - 5:00 PM (Every Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TASHIANA ADAMS/
Examiner, Art Unit 3611

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3600